

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

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ELIZABETH SINES, ET AL.,

Case No. 20-mc-245

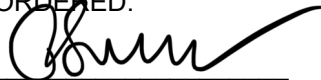
Plaintiffs,
v.

JASON KESSLER, ET AL.,

Defendants.

Application denied in light of the movant's letter dated 7/17/2020 withdrawing the motion to seal (Doc. 10). The Clerk is requested to terminate Docs. 4 and 6.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: New York, New York
July 20, 2020

PLEASE TAKE NOTICE that, upon the pa

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move this Court, at the Honorable Charles L. Briant Courthouse located at 300 Quarropas Street, White Plains, NY 10601, at a date and time to be determined by the Court and before the Honorable Nelson S. Roman, to hold Exhibit 5 under seal until such time as Respondent Seth Wispelwey can file a motion to seal Exhibit 5, and for such other, further and different relief as may be just and proper.

Dated: Goshen, New York
June 30, 2020

Yours, etc.

/s/ Frederick C. Kelly
Frederick C. Kelly, Esq.
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

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ELIZABETH SINES, ET AL.,

Case No. 20-mc-245

Plaintiffs,

v.

JASON KESSLER, ET AL.,

Original Western District of VA

Defendants.

Case No. 3:17-cv-00072-NKM

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1. The above captioned matter is a Motion to Quash Subpoena served on Movant Michael Peinovich. This Sealing Motion is a request for relief within that miscellaneous procedure.
2. The Subpoenae in dispute were issued out of the Federal District Court for the Western District of Virginia, (i.e. “Sines et al. v. Kessler et al., Western District of Virginia Case No. 3:17-cv-00072-NKM”) . They seek various and sundry materials, as well an unlimited deposition, from Peinovich, a non-party to the main litigation in Western Virginia.
3. It appears that one of the documents attached to Movant’s affidavit in support of his Motion to Quash, to wit, Exhibit 5 (which are Interrogatory Responses of Seth Wispelwey dated May 14, 2018 – Wispelwey is a plaintiff in the case), was produced under a confidentiality order in the main litigation.
4. Peinovich had formerly been a party to the main litigation, but was dismissed from that case, as set forth at greater length in his affidavit in support.
5. The copy of said document in possession of Movant appears to be fully redacted as to any

confidential information. However, Peinovich wishes to be cautious about complying with any confidentiality order.

6. Accordingly, Peinovich hereby files Exhibit 5 to his Motion to Quash under seal so that it will be held under seal until such time as Seth Wispelwey can appear and address the confidentiality status of Exhibit 5 (although Movant reached out to Wispelwey's attorneys, they have not yet responded to his request and Peinovich is otherwise under pressing deadlines regarding his Motion to Quash).

WHEREFORE Movant Michael Peinovich respectfully requests an order to seal Exhibit 5 until such time as Seth Wispelwey can appear and address the confidentiality status of Exhibit 5 to his Motion to Quash; and for such other, further and different relief as the Court deems just and proper.

Dated: Goshen, New York
June 30, 2020

Yours, etc.

/s/ Frederick C. Kelly
Frederick C. Kelly, Esq.
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